

# SENATE BILL REPORT

## SB 5800

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As Reported By Senate Committee On:  
Consumer Protection & Housing, February 23, 2007

**Title:** An act relating to limiting the obligations of landlords under writs of restitution.

**Brief Description:** Limiting the obligations of landlords under writs of restitution.

**Sponsors:** Senators Sheldon, Jacobsen, Benton, Haugen, Honeyford, McCaslin, Berkey, Brandland, Delvin and Kilmer.

**Brief History:**

**Committee Activity:** Consumer Protection & Housing: 2/20/07, 2/23/07 [DPS, DNP].

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### SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

**Majority Report:** That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Haugen, Jacobsen and Kilmer.

**Minority Report:** Do not pass.

Signed by Senators Weinstein, Chair and Kauffman, Vice Chair.

**Staff:** Alison Mendiola (786-7483)

**Background:** The Residential Landlord-Tenant Act (RLTA) governs the rights, responsibilities and remedies of landlords and tenants. The RLTA states in part, "A landlord may, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises and store the property in any reasonably secure place." RCW 59.18.312 (1).

Recently, Division III of the Court of Appeals held that this statute is not ambiguous and it is the duty of the landlord to store such property unless the tenant objects. *Parker v. Taylor*, Docket No. 24475-0-III.

**Summary of Bill:** It is clarified that it has always been the intent of the Legislature to give landlords the option, but not the obligation, to store a tenant's property as part of an eviction. Furthermore, when a sheriff executes a writ of restitution they may also provide deputies to maintain the peace while the landlord enters the premises, removes the property belonging to the tenant, and places the property on the nearest public property.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

If a tenant is not present at the time of eviction the landlord may either store the property or place the property on the nearest public property.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Consumer Protection & Housing):** A landlord may store an evicted tenant's property in a reasonably secure place or deposit the property on the nearest public property.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** This bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: The recent court decision has left landlords in a tight spot—now landlords are responsible for storing an evicted tenant's property. The ruling by the court was a misinterpretation of the law so we need to correct the law now before it causes chaos. The law has always been that in the case of an eviction, a landlord may store a tenant's property but is not required to do so. The tenant gets many notices prior to a writ of restitution is executed. What if this holding is applied to manufactured/mobile homes? Then the landlord would be responsible for moving the unit which is costly.

CON: The holding confirmed what has been the law since 1992. The client in the case was 82 at the time, it was December and she had nowhere to go and no one to help her so her belongings were left on the street where keepsakes were picked through. Her belongings were valued at \$15,000. Only a very small percentage of people actually go through this final stage of the eviction process so what we're talking about here is vulnerable adults. The duty to store is a last resort. This is not a novel concept and all western states have the same duty to store requirements.

**Persons Testifying:** PRO: Senator Sheldon, prime sponsor; John Woodring, Jim Throckmorton, Darlene Pennock, Washington Apartment Association.

CON: Larry Weiser, Gonzaga University School of Law; Pat Tassoni, Tenant's Union.